

***United States Court of Appeals
for the Second Circuit***



APPENDIX

original

** PLEASE RETURN TO **
** RECORDS ROOM **

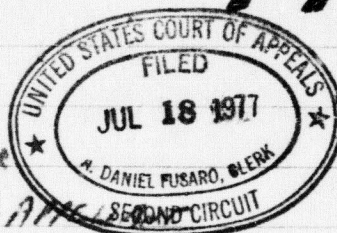
APR 27 1977

77-6030

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

ANTHONY P. COZZA PRO SE

PLAINTIFF - APPELLANT



COURT OF APPEALS

DOCKET NUMBER

77-6030

B
A
r

VS

CAUSE OF ACTION

APPENDIX 2

SECRETARY OF HEALTH, EDUCATION & WELFARE

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

APRIL 26, 1977

APPENDIX

THE FOLLOWING IS A STATEMENT OF FACT IN BRIEF
ACCOMPANIED WITH A SUMMONS ADDRESSING ONE U.S. MARSHAL
TO APPEAR FOR TESTIMONY AS TO HIS ASSOCIATION WITH THE
ARREST AND EJECTION FROM A U.S. GOVERNMENT BUILDING,
NAMELY, EASTERN DISTRICT OF NEW YORK, BROOKLYN, N.Y.

ON JANUARY 28, 1977, PLAINTIFF-APPELLANT APPEARED
BEFORE JUDGE MARK A. COSTANTINO REGARDING NOTICE OF
MOTION DATED JANUARY 13, 1977, WHEREIN PLAINTIFF-APPELLANT
ATTEMPTED TO ESTABLISH HIS RIGHTS AS A CITIZEN APPEARING
IN A FEDERAL COURT AS PRO-SE PLAINTIFF ATTORNEY AND IN
THE PROCESS OF ORAL ARGUMENT ATTEMPTING TO BRING FORTH
THE FEASIBILITY OF 2ND DEGREE ASSAULT OF THE NEW YORK
STATE PENAL CODE AND ESTABLISHING RIGHTS TO THE PROTECTION
UNDER THE PENAL LAW OF THE STATE OF NEW YORK, ALSO, KEEP-
ING IN MIND ARTICLE I OF THE BILL OF RIGHTS, CONTINUED
CALLED, SEPERATION OF STATES RIGHTS AMENDMENTS, JUDGE

PAGINATION AS IN ORIGINAL COPY

MARK A. COSTANTINO SUDDENLY AND WITHOUT ANY EXPLAINABLE REASON CALLED FOR A U.S. MARSHALL.

ONE MAN IN CIVILIAN CLOTHES, WHO WAS SITTING IN THE JURY BOX IN THE COURTROOM SUDDENLY AROSE ANSWERING THE CALL FROM THE JUDGE FOR A U.S. MARSHALL, STOOD BEFORE THE JUDGE AND SAID, "YES YOUR HONOR".

THE JUDGE SAID, "HOLD THIS MAN ASIDE FOR THE MOMENT UNTIL I AM FINISHED".

THE MAN THEN APPROACHED ME FORCEFULLY AND WITH HIS BODY MOVEMENT MOVED ME BACK AND TO THE SIDE TO THE DEFENDENTS TABLE AND THE JUDGE THEN COMMENCED TO DICTATE HIS STATEMENT TO THE COURT REPORTER AS APPEARS IN HIS MEMORANDUM AND ORDER DATED JANUARY 28, 1977.

WHILE JUDGE MARK A. COSTANTINO WAS DICTATING HIS STATEMENT TO THE COURT REPORTER I ATTEMPTED FROM THE REAR TO OBJECT TO HIS STATEMENT AND WAS SILENCED BY THE JUDGE WITHOUT A CONSIDERATION AS TO MY OBJECTIONS.

AFTER THE JUDGE CONCLUDED HIS STATEMENT, MR. COSTANTINO ORDERED THE MAN WHO ANSWERED THE CALL FOR A U.S. MARSHALL TO, "SHOW THIS MAN OUT OF THIS COURTHOUSE AND IF THIS MAN EVER SHOWS HIS FACE IN THIS COURTHOUSE AGAIN, I WANT HIM ARRESTED".

PLAINTIFF - APPELLANT WAS PLACED UNDER RESTRAINT AND WAS FORCEFULLY WALKED OUT OF THE U.S. COURTHOUSE.

THE ABOVE OUTRAGE OF A JUDGE'S ILLEGAL ACT OF FALSE ARREST AND EJECTION FROM A U.S. GOVERNMENT BUILDING MUST BE PAID FOR IN TERMS OF REDRESS BY THE JUDGE.

NOT ANY CITIZEN IN THESE 50 STATES HAS A RIGHT

TO SILENCE ANOTHER CITIZEN FROM FREELY EXPRESSING HIS THOUGHTS IN HIS REPRESENTATION AND ARGUMENT SUPPORTING HIS RIGHTS.

A FEDERAL JUDGE IS GUIDED BY TITLE 28, CHAPTER 5, SECTION 144, TITLED BIAS OR PREJUDICE OF A JUDGE AND TITLE 28, CHAPTER 21, SECTION 453 OATHS OF JUSTICES AND JUDGES AND TITLE 28, SECTION 2674 LIABILITY OF UNITED STATES AND TITLE 28, SECTION 1346, U.S. AS DEFENDENT, IN HIS ACTIONS IN A FEDERAL COURT, BUT I CANNOT SAY THIS FOR JUDGE MARK A. COSTANTINO.

HIS ACTIONS IN COURT ARE COMPLETELY NOT UNDER SPECIFIC RIGHTS GRANTED BY TITLE 28 BUT ACTIONS ILLEGAL AND AGAINST THE RIGHT OF CITIZENS TO SUE GOVERNMENT FOR MONETARY AWARD.

THE ILLEGAL ARREST AND EJECTION FROM THE COURTHOUSE SILENCED THE PLAINTIFF-APPELLANT IN HIS ARGUMENT TO PROTECT HIS RIGHTS BOTH IN COURT AND OUT OF COURT.

PLAINTIFF-APPELLANT FILED IN EASTERN DISTRICT OF NEW YORK IN MARCH, 1975 AND IN THE INTERIM ~~PERIOD~~ UPON NUMEROUS OCCASIONS REQUESTED TRIAL BY JURY.

NOT ONCE DURING THIS PERIOD OF TIME DID MARK A. COSTANTINO ORDER FINAL BRIEFS TO BE FILED AND FINAL DEPOSITIONS TO BE FILED GETTING READY FOR TRIAL, EVEN IN THE FACE OF RIGHT TO SUE THE GOVERNMENT, ORDERED BY THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE IN THEIR COMMUNICATION DATED MAY 25, 1976, LAST PARAGRAPH AND SIGNED BY LAWRENCE WEINER, MEMBER

APPEALS COUNCIL.

A WORD OF CAUTION TO THIS COURT OF APPEALS, MY DEMANDS FILED IN MARCH, 1995, TOOK INTO CONSIDERATION ONLY DAMAGED ASSETS AND RECOVERY AT THAT TIME WAS A 50-50 PROPOSITION. TODAY, THE DAMAGED ASSETS ARE DESTROYED ASSETS AND A TOTALLY NEW BALL GAME TO QUOTE A PHRASE.

AN UPDATING OF MONEY DEMANDS ARE IN ORDER TO ACCENTUATE THE TOTAL LOSSES BY PLAINTIFF-APPELLANT.

TO GIVE THIS COURT OF APPEALS A COMMON THOUGHT WITH A COMMON PURPOSE FOR UNDERSTANDING PLAINTIFF-APPELLANT IS NOW OUT 10-12 MILLION DOLLARS IN BUSINESS AND NO LONGER FEELS THAT \$500,000.00 DOLLARS IS A TRUE JUSTICE FOR HIM BUT \$450,000,000.00 THAT IS FOUR HUNDRED AND FIFTY MILLION DOLLARS IS A TRUE FIGURE AS TO PROPER REDRESS.

NOW WE GET DOWN TO BASIC LIABILITY, WHO IS GOING TO BE RESPONSIBLE AND SET FORTH TRIAL,

THESE ARE MATTERS FOR THE COURTS TO DECIDE AND VERY QUICKLY IN THIS MATTER.

STATE N.Y.
COUNTY KING
4/28/77

MARGARET E. THOMPSON
NOTARY PUBLIC, STATE OF NEW YORK
No. 24932-0000
Qualified in Richmond County
Commission Expires March 30, 1978

Anthony P. Cozza
ANTHONY P. COZZA
2332-85TH STREET
BROOKLYN, N.Y. 11214
212-HI-9-6227

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

ANTHONY P. COZZA

PLAINTIFF-APPELLANT

COURT OF APPEALS

DOCKET NUMBER

77-6030

VS

CAUSE OF ACTION

APPENDIX 2

SECRETARY OF HEALTH, EDUCATION & WELFARE

SUMMONS

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

APRIL 26, 1977

THIS IS A SUMMONS ISSUED BY PLAINTIFF-APPELLANT ANTHONY P. COZZA BY WAY OF THE UNITED STATES COURT OF APPEALS, SECOND CIRCUIT REQUIRING ONE U.S. MARSHALL ATTACHED TO THE EASTERN DISTRICT OF NEW YORK COURTHOUSE, WHO EFFECTED ARREST AND FORCED EJECTION OF PLAINTIFF-APPELLANT FROM JUDGE MARK A. COSTANTINO'S COURTROOM ON JANUARY 28, 1977.

THE U.S. MARSHALL WHO IS RESPONSIBLE MUST ANSWER THIS SUMMONS TO TESTIFY AS TO HIS ACTIONS IN THE MATTER ON A DATE LATER TO BE PRESCRIBED BY THE U.S. COURT OF APPEALS.

STATE NY
COUNTY KINGS
4/26/77

NOTARY PUBLIC
Qualifies in Kings County
Commission Expires March 30, 1978

Anthony P. Cozza
ANTHONY P. COZZA
2332-85TH STREET
BROOKLYN, N.Y. 11214
212 HI 9-6227

RECEIVED
U. S. ATTORNEY

APR 26 12 53 PM '77

EAST. DIST. N. Y.

Joanne Mason

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CIVIL ACTION 75C401

ANTHONY P. COZZA

PLAINTIFF

NOTICE OF SUMMONS FOR
TESTIMONY.

VS

SECRETARY OF HEALTH, EDUCATION & WELFARE
DEPARTMENT OF HEALTH, EDUCATION & WELFARE
DEFENDANTS

NOVEMBER 26, 1976

THIS SUMMONS IS ISSUED BY UNITED STATES
DISTRICT COURT, EASTERN DISTRICT OF NEW YORK,
SUMMONING MR. JACK H. HANTMAN, ADMINISTRATIVE
LAW JUDGE, DEPARTMENT OF HEALTH, EDUCATION & WELFARE,
SOCIAL SECURITY ADMINISTRATION, BUREAU OF HEARINGS &
APPEALS, 175 REMSEN STREET, ROOM 1201, BROOKLYN, N.Y.
11201, BEFORE THE HONORABLE MARK A. COSANTINO IN CIVIL
ACTION 75C401.

MR. HANTMAN WILL BE REQUIRED TO GIVE
TESTIMONY IN REGARDS TO A TELEPHONE CONVERSATION
WITH THE PLAINTIFF DATED NOV 24, 1976, IN THE AFTER-
NOON OF SAID DATE.

BY

Anthony P. Cozza
2332 85th STREET

BR., K.L. 42, N.Y. 11214

MARK A. COSANTINO

12-13-76

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANTHONY P. COZZA

PLAINTIFF

CIVIL ACTION 75C1161

NOTICE OF MOTION &
SUMMONS

VS

SECRETARY OF HEALTH, EDUCATION & WELFARE

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

DEFENDENTS

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. NY
NOV 29 1976
TIME 11:00 AM
P.M.

NOVEMBER 26, 1976

PLEASE TAKE NOTE THAT ON DEC 13, 1976
THIS NOTICE OF MOTION WILL BE BEFORE THE
HONORABLE MARK A. COSANTINO, EASTERN DISTRICT
OF NEW YORK AT 10:00 AM, FOR DISCUSSION,
ADJUDICATION & REMANDING, ACCORDING TO THE
FOLLOWING.

PLEASE TAKE NOTICE THAT ON 24TH OF
NOVEMBER 1976, PLAINTIFF RECEIVED A LETTER FROM
THE BUREAU OF HEARINGS & APPEALS, DEPT OF HEALTH,
EDUCATION & WELFARE, 175 REXFORD STREET, BRONX, NY,
NEW YORK 10461, WHEREIN THE PLAINTIFF IN THE (22)
AFTERNOON OF SAID DATE TELEPHONED THE ADMIN-
ISTRATIVE LAW JUDGE, JACK H. HARTMAN AND MADE
A COMPLAINT AGAINST TAKING TESTS AS DESCRIBED
IN THE AFORESAID LETTER, EXHIBIT ATTACHED, IT
CLAIMED ILLEGAL PROCEDURE, THAT THE TESTS &

DISCRIMINATE AGAINST HIM AND COULD BE USED AGAINST HIM IN COURT.

FURTHERMORE, PLAINTIFF MADE MENTION THAT THE DISABILITY ON FILE IS THREE YEARS OLD AND WOULD PROVE INCONCLUSIVE AS CONCERNS THE BEGINNING THIRTY SIX MONTHS OF DISABILITY.

IN AN EXCHANGE OF CONVERSATION BETWEEN PLAINTIFF AND MR HANTMAN, THE ADMINISTRATIVE LAW JUDGE EXCLAIMED THAT HE WOULD DECLARE THE PLAINTIFF, "NOT LEGALLY DISABLED", AND TERMINATE THE CASE.

YOUR HONOR, PEOPLE OF THE COURT, THIS EXCLAMATION OF, "NOT LEGALLY SICK", IS NOT BASED ON MEDICAL FACT AND IS AN EXTORT, SECTION 1 (CRIMINAL), 207 KY 547, 269 SW 754, 757.

IN ADDITION, THE THREAT IS AN IMPLIED BLACK-MAIL.

IN ADDITION, THE SOCIAL SECURITY ADMINISTRATION IS GUILTY OF FRAUD, BRITNER DISPATCH NEWSPAPER CO. V CROW WING COUNTY, 196 MINN 114, 264 N.W. 779, 780.

THEREFORE, PLAINTIFF REQUESTFULLY DEMANDS THAT THE DEPARTMENT OF HEALTH, EDUCATION & WELFARE BE BROUGHT BEFORE THIS FEDERAL COURT FOR EXPLANATIONS AND RELIEF BE GRANTED IN FAVOR OF THE PLAINTIFF, FOR EACH AND EVERY MONETARY AMOUNTS OF MONEY ON FILE INCLUDING MOTIONS PLUS ANY OTHER RELIEF AS MAY BE GRANTED BY A TRIAL BY JURY.

ATTACHED, PLEASE FIND SUMMONS IN THE NAME OF MR JACK H. HANTMAN, ADMINISTRATIVE LAW JUDGE, BUREAU OF HEARINGS AND APPEALS, 175

REMSEN STREET, ROOM 1901, BROOKLYN, NEW YORK 11201;
DEPARTMENT OF HEALTH, EDUCATION & WELFARE, SOCIAL
SECURITY ADMINISTRATION.

Anthony P. Coppa

11/29/76

Flores M. Goetticheim

FLORES M. GOETTICHEIM
NOTARY PUBLIC, S.T.L. of New York
NO. 241467200
Qualified in Kings County
Cert. Filed in New York County
Term Expires March 30, 1977

Anthony P. Coppa

2839 - 55th STREET

BROOKLYN, NEW YORK 11214

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANTHONY P. COZZA,

75-C-401

Plaintiff,

v.

MEMORANDUM and
ORDER

DEPARTMENT OF HEALTH, EDUCATION
AND WELFARE,

Defendant.

JAN 28 1977

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

COSTANTINO, D.J.

★ JAN 31 1977 ★

TIME A.M.
P.M.

This action began as an ~~action to~~ review the decision of the Secretary of Health, Education and Welfare denying disability benefits to the plaintiff. After the filing of the complaint, but prior to the service of the answer, the Secretary requested that the case be remanded to him for further findings of fact. Pursuant to 42 U.S.C. § 405(g), the court remanded the case to the Secretary on October 5, 1976.

The plaintiff in this case, both before and after remand, has brought numerous motions before the court, all of which have been frivolous and without merit. For example, he sought to recover damages from the Secretary for a broken oil tank in his home - something with which the Secretary obviously had nothing to do. As a further example, after his case was remanded

35

to the Secretary, the plaintiff received notification from an Administrative Law Judge to report to certain doctors for certain examinations. Following the receipt of that notification, the plaintiff sent a mailgram to the court, which stated, in part: "Plaintiff has received names and addresses of 3 doctors, all men of the Judaism faith. Plaintiff cites discriminatory practices here [and] has requested three doctors of the Roman Catholic faith to administer." The court responded to that request by issuing an order on December 27, 1976 which, in no uncertain terms, rejected the plaintiff's allegations of discrimination and directed him to submit to the tests.

By motion dated January 18, 1977, returnable January 28, 1977, the plaintiff apparently having submitted to the tests as ordered by the court, once again is seeking damages, in part as follows:

Whereas three doctors plaintiff was forced to submit are all doctors of the Judism [sic] faith of which plaintiff is not a Jew, but a baptised, christened and confirmed Roman Catholic, of historical significance, plaintiff is also a Greco-Roman, Roman and Gentile.

Plaintiff having been forced by judicial order has exposed his religious spirit to a foreign religion and people

of foreign religious ancestry. Plaintiff is now an infestation of Judism [sic] not a Roman Catholic, not a Greco-Roman, not a Roman, not a Gentile.

This infestation was not at all in existence prior to these examinations at any time prior to these forced examinations.

Therefore, plaintiff demands that amounts of money, not to exceed \$25,000.00 be allocated so that plaintiff may travel abroad to Europe and South America to purify his spirit and to purge his spirit of Judism [sic].

This plaintiff has received considerations from the court far in excess of those to which he was entitled. The time has come to say "enough is enough." Therefore, all of the plaintiff's motions presently pending before the court are denied, and the plaintiff is hereby enjoined from submitting any further motions to this court until the Secretary of Health, Education and Welfare issues a decision upon reconsideration of the case. After that decision has been rendered, the plaintiff may, of course, renew his claim, if he still believes that the Secretary's decision is erroneous. However, the plaintiff is forewarned that in the future the court will not be as tolerant of his frivolous and unmeritorious claims as it has been in the past, and

will not permit him to continue his abuse of the
federal judicial system. So ordered.

Walter G. [illegible]
U. S. D. J.

PROCEDURE.

THE SUBJECT MATTER OF EXAMINATIONS
THREE DATES IS BY ORDER DATED DECEMBER